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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,168	08/31/2000	Jeffrey L. Huckins	INTL-0453-US (P9661)	2633
21906	7590	12/28/2005	EXAMINER	
TROP PRUNER & HU, PC 8554 KATY FREEWAY SUITE 100 HOUSTON, TX 77024			NGUYEN, DUSTIN	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/652,168

Applicant(s)

HUCKINS, JEFFREY L.

Examiner

Dustin Nguyen

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-55 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 45-55 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/21/2005.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 45-55 are presented for consideration.
2. Applicant's election without traverse of claims 45-55 in the reply filed on 10/03/2005 is acknowledged.

Response to Arguments

3. Applicant's arguments filed 06/24/2005 have been fully considered but they are not persuasive.
4. As per remarks, Applicants' argued that (1) Hofmann nowhere teaches or suggests a method or system for use in a multicast system or network.
5. As to point (1), Hofmann discloses discovery rules may require data collected by multiple discover agents, for example, SystemStatus rule requires information from the disk drive agent, the memory agent and the active windows agent, and all three agents must be activated to collect the information necessary to execute the SystemStatus rule [i.e. multicast system, SystemStatus rule activates a selected group of agents] [col 8, lines 4-14].

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6. As per remarks, Applicants' argued that (2) Hofmann nowhere teaches or suggests determining whether a message is directed to a given client system or a subset of client system.

7. As to point (2), Kauffman discloses the above limitation[i.e. group and subgroup of subscriber and each subscriber assigns to group or subgroup identifiers and determine whether the message is intended to be processed by the subscriber terminal] [Abstract; and col 5, lines 28-47].

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 45 and 51 are rejected under 35 U.S.C. 102(e) as being anticipated by Hofmann et al. [US Patent No 6,236,983].

10. As per claim 45, Hofmann discloses the invention substantially as claimed including a method comprising:

assigning a different address to each of at least two agents on a client system of a multicast system [i.e. activate particular or appropriate discovery agents and each discovery agent includes a unique associated identifier] [Abstract; col 3, lines 60-col 4, lines 17; and col 9, lines 15-18];

determining whether a message sent to a plurality of client systems of the multicast system and received by said client is addressed to one of said at least two agents [i.e. determine which agent to activate] [Abstract; col 6, lines 23-26; and col 8, lines 9-14 and lines 26-39].

11. As per claim 51, it is apparatus claimed of claim 1, it is rejected for similar reasons as stated above in claim 45.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 46-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hofmann et al. [US Patent No 6,236,983], in view of Fletcher et al. [US Patent No 6,009,274].

14. As per claim 46, Hofmann does not specifically disclose sending at least two different types of messages at said client system including a software update message and a short message

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service message. Fletcher discloses sending at least two different types of messages at said client system including a software update message and a short message service message [i.e. software update and keep alive message] [col 5, lines 26-52; and col 8, lines 34-54]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Hofmann and Fletcher because Fletcher's teaching of different types of messages would allow to identify messages and to provide multiple services in a distributed environment.

15. As per claim 47, Fletcher discloses sending messages including software and messages not including software [i.e. update files and keep alive message] [col 8, lines 34-67].

16. As per claim 48, Fletcher discloses assigning different addresses to message to a client that include software and messages that do not include software [col 1, lines 66-col 2, lines 35]

17. As per claim 49, Fletcher discloses addressing messages including software to an agent on the client that is adapted to handle the downloading of software [Abstract; and col 3, lines 40-44].

18. Claims 50, 52-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hofmann et al. [US Patent No 6,236,983], in view of Kauffman et al. [US Patent No 5,260,778].

19. As per claim 50, Hofmann does not specifically disclose determining whether a message is sent to a first client system of the multicast system or a subset of the plurality of client systems based upon an individual identifier of the first client system and a group identifier of the subset of the plurality of client systems. Kauffman discloses determining whether a message is sent to a first client system of the multicast system or a subset of the plurality of client systems based upon an individual identifier of the first client system and a group identifier of the subset of the plurality of client systems [i.e. group and subgroup identifiers for the message and determine whether the message is intended to be processed by the subscriber terminal] [Abstract; and col 5, lines 28-47]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Hofmann and Kauffman because Kauffman's teaching of group and subset of client and identifiers would allow to provide for the distribution of specific messages to individual subscribers or special groups of subscribers via a CATV communication network, such messages include the service of emergency alert information, reminder message, paging message, etc... [Kauffman, col 1, lines 41-51].

20. As per claim 52, Kauffman discloses a service acquisition module to receive a broadcast data stream and provide a program identifier to a tuner of the processor-based device, and to extract the message and to provide the message to a unidirectional message module of the processor-based device [i.e. CATV converter.] [Figure 2; and col 4, lines 66-col 5, lines 47].

21. As per claim 53, it is rejected for similar reasons as stated above in claim 45.

22. As per claim 54, it is rejected for similar reasons as stated above in claim 49.

23. As per claim 55, it is rejected for similar reasons as stated above in claim 50.

24. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Follansbee John can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen
Examiner
Art Unit 2154



**JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
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